

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDY BERKSHIRE,

Plaintiff,

Case No. 1:14-cv-33

Hon. Robert J. Jonker

vs.

MICHAEL MORAN, *et al.*,

Defendants.

ORDER

Plaintiff, a state prisoner, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The Court has been informed that defendant Crystal Murry has filed a petition in bankruptcy. *See* Notice (docket no. 31). In accordance with 11 U.S.C. § 362, therefore, this civil action is automatically stayed as to defendant Murry until the bankruptcy proceedings in question are terminated. 11 U.S.C. § 362(c).

The automatic stay provision of the Bankruptcy Reform Act of 1978, 11 U.S.C. § 101, *et seq.* halts the commencement or continuation of litigation against the debtor by adverse parties; it does not divest this Court of jurisdiction to issue necessary orders in civil actions which are stayed in bankruptcy. *Cornell v. Walker*, 291 U.S. 1 (1934); *Donald F. Duncan Inc. v. Royal Tops Mfg. Co.*, 381 F.2d 879 (7th Cir. 1967), *cert. denied*, 390 U.S. 905 (1968).

Upon termination of the aforementioned bankruptcy proceedings, or the lifting of the automatic stay with reference to the instant proceeding, the Court will allow any party to move to reopen this action as to this defendant.

IT IS SO ORDERED.

Dated: October 9, 2014

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge